

Division 3. Air Resources Board

Chapter 5. Standards for Motor Vehicle Fuels

Subchapter 8. Clean Fuels Program

§ 2311. Relief from Liability Caused by Breakdowns of CNG Dispensing Equipment.

(a) An owner/lessor or operator of a selected clean fuel outlet equipped to dispense CNG shall not be liable for violations of sections 2302, 2309(b) or 2310(a) resulting from a minor breakdown if:

(1) The owner/lessor or operator reports the breakdown to the executive officer within 4 hours of the time the person knows or reasonably should know of the breakdown, including the time, location, and nature of the breakdown;

(2) The equipment is repaired as quickly as possible in the exercise of reasonable diligence, in no case in more than 72 hours;

(3) Within 12 hours of repair of the equipment, the owner/lessor or operator reports to the executive officer that the repairs have been completed, and describes the corrective measures, if any, taken to avoid breakdowns in the future; and

(4) The owner/lessor or operator is able to demonstrate that the breakdown did not result from inadequate or improper maintenance, operator error, or other reasons within the control of the owner/lessor or operator.

(b) An owner/lessor or operator of a selected clean fuel outlet equipped to dispense CNG shall not be liable for violations of sections 2302, 2309(b) or 2310(a) resulting from a major breakdown if the owner/lessor or operator:

(1) Reports the breakdown to the executive officer within 4 hours of the time the person knows or reasonably should know of the breakdown, including the time, location, and nature of the breakdown;

(2) Within 7 days of the breakdown, submits to the executive officer a written report that:

(A) Demonstrates to the reasonable satisfaction of the executive officer that the breakdown did not result from inadequate or improper maintenance, operator error, or other reasons within the reasonable control of the owner/lessor or operator; and

(B) Identifies a plan reasonably detailing how the CNG dispensing equipment will be repaired or replaced as soon as possible with the exercise of reasonable diligence, including a final completion date no later than six months following the date of the breakdown; and

(3) Completes the repair or replacement [i] by the final completion date identified in the submitted plan, or [ii] by such earlier completion date designated by the executive officer, within 14 days of receipt of the plan, as reasonably feasible based on review of the plan.

NOTE: Authority cited: Sections 39600, 39601, 39667, 43013, 43018 and 43101, Health and Safety Code; and *Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District*, 14 Cal. 3d 411, 121 Cal. Rptr. 249 (1975). Reference: Sections 39000, 39001, 39002, 39003, 39500, 39515, 39516, 39667, 43000, 43013, 43018 and 43101, Health and Safety Code; and *Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District*, 14 Cal. 3d 411, 121 Cal. Rptr. 249 (1975).

REFERENCE